Criteria for a Rejection under 35 U.S.C. § 103(a)

The U.S. Patent and Trademark Office has set forth a methodology for establishing a *prima facie* case of obviousness. Specifically three basic criteria must be met.

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

See MPEP 706.02 (j).

Applicants believes the Examiner has failed to establish a *prima facie* case of obviousness for the claims extant in the present case because there are claim limitations that are not taught or suggested by any of the cited references.

Below, Applicants clearly and unambiguously points out subject matter within each independent claim that is not disclosed or suggested by any of the cited references. At least on the basis of this, Applicants believes all the claims are patentable over the cited references.

Independent claim 1

Independent claim 1 sets out a system for providing remote testing of a product under test. The system comprises a network accessible site, a processing system and a test controller. The test controller introduces to the product under test hardware commands that are not covered in software control. This is not disclosed by the cited references.

Examiner has suggested that Mallory teaches an apparatus for testing computer systems that initiates hardware commands to a product under test by a test controller. This is an inaccurate description of Mallory.

Mallory does not disclose or suggest an apparatus for testing computer systems that initiates hardware commands to a product under test. Mallory discloses something completely different.

Mallory discloses that a power cord 102 is connected from a unit under test 100 to an automated power cycler 103 (See Figure 1). Because power cycler 103 is connected to power cord 102, power cycler 103 is able to interrupt and restore power to unit under test 100. Thus, Mallory is not able to give hardware commands to unit under test 100. Mallory can only interrupt and restore power to unit under test 100 via a power cord to unit under test 100.

Interrupting and restoring power to a unit under test via a power cord does not disclose or suggest the test controller in claim 1 that is able to introduce to the product under test hardware commands that are not covered in software control.

The ability to introduce during remote test of a product, hardware commands that are not covered in software control is a significant improvement not disclosed or suggested by prior art systems. These hardware commands, such as power-on and reset, are referred to as hardware commands because they have to do with switching on power to hardware, and/or performing a hardware reset. See Applicants' Specification at page 4 line 35 through page 5,

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line 2. This functionality is different than merely interrupting and restoring power to a unit under test via a power cord, as shown by Mallory.

Independent claim 13

Independent claim 13 sets out a system for providing remote testing of a plurality of products under test. The system includes a processing system for receiving first input for any one of the plurality of products under test from the network accessible site and presenting the first input to the one of the products under test as if the first input came from an input device directly connected to the one of the products under test. The processing system is configured to present to the one of the plurality of products under test a hardware command. This is not disclosed or suggested by the combination of the cited references.

As discussed above, Examiner has suggested that Mallory teaches an apparatus for testing computer systems that initiates hardware commands to a product under test by a test controller. This is an inaccurate description of Mallory.

Mallory does not disclose or suggest an apparatus for testing computer systems that initiates hardware commands to a product under test. Rather, Mallory only discloses that a power cord 102 is connected from a unit under test 100 to an automated power cycler 103 (See Figure 1). Because power cycler 103 is connected to power cord 102, power cycler 103 is able to interrupt and restore power to unit under test 100. Thus, Mallory is not able to give hardware

commands to unit under test 100. Mallory can only interrupt and restore power to unit under test 100 via a power cord to unit under test 100.

Interrupting and restoring power to a unit under test does not disclose or suggest the processing system, set out in claim 13, that is able to introduce to the product under test hardware commands that are not covered in software control.

The ability to introduce during remote test of a product, hardware commands that are not covered in software control is a significant improvement not disclosed or suggested by prior art systems such as Mallory. These hardware commands, such as power-on and reset, are referred to as hardware commands because they have to do with switching on power to hardware, and/or performing a hardware reset. See Applicants' Specification at page 4 line 35 through page 5, line 2. This functionality is different than merely interrupting and restoring power to a unit under test via a power cord, as shown by Mallory.

Independent claim 18

Independent claim 18 sets out a method for providing remote testing of a product under test. In claim 18, display information from the product under test is obtained using a web camera. The display information describes a current display generated by the product under test. This is not disclosed or suggested by the combination of Tuttle and Neil. Applicant notes that in the remarks accompanying the rejection, Examiner has referred to Berar, rather than Neil. In the following remarks, Applicant responds to the rejection as if it were based on

Tuttle and Berar rather than Tuttle and Neil. Applicant's comments on Neil can be found in the prior filed Amendment dated May 6, 2003.

Examiner has argued that Berar teaches a semiconductor testing apparatus that uses a camera to acquire images of a product under test and transfers this data to a network accessible site. However, Berar does not disclose or suggest the pertinent subject matter set out in claim 18.

Specifically, claim 18 sets out that display information from the product under test is obtained using a web camera. *The display information describes a current display generated by the product under test.*

Thus, as set out by claim 18, the product under test generates a display. The display generated by the product under test is what is obtained by the web camera. This is significantly different from what is disclosed by Berar.

First, in Berar, the integrated circuits being tested do not produce a display, so there is no "display generated by a product under test" to be obtained.

Second, in Berar, the video camera acquires images *not* of the device under test, but rather of the device handler (which is part of the semiconductor tester the product under test). See column 3, lines 19 through 22.

So it is clear Berar does not disclose or suggest that display information from a product under test is obtained using a web camera as set out in claim 18. Berar does not disclose any information from a product under test being obtained by a video camera (but only images of a handler that is part of test equipment). Further Berar does not disclose or suggest obtaining display

information that describes a current display generated by the product under test, as set out in claim 18. Berar does not obtain information about a current display generated by a product under test (or any other entity), but only takes pictures of physical objects, i.e., a handler that is part of semiconductor test equipment.

Independent claim 19

Likewise independent claim 19 sets out a system for providing remote testing of a product under test. The system includes a display entity for receiving and displaying intercepted display information. The display information describes a current display generated by the product under test. The display information is obtained using a web camera. This is not disclosed or suggested by the combination of Tuttle and Neil or Tuttle and Berar.

As discussed above, Examiner has argued that Berar teaches a semiconductor testing apparatus that uses a camera to acquire images of a product under test and transfers this data to a network accessible site. However, Berar does not disclose or suggest the pertinent subject matter set out in claim 19.

In Berar, the integrated circuits being tested do not produce a display, so there is no display generated by a product under test to be obtained.

In Berar, the video camera acquires images *not* of the device under test, but rather of the device handler (which is part of the semiconductor tester the product under test). See column 3, lines 19 through 22.

So it is clear Berar does not disclose or suggest a display entity for receiving and displaying intercepted display information where the display information describes a current display generated by the product under test.

Independent claim 22

Independent claim 22 sets out a system for providing remote testing of a product under test. The system includes a switch function that allows an entity separate from the remote user to disconnect the network accessible site from the processing system. This is not disclosed by Tuttle.

Examiner has suggested this functionality is disclosed by Tuttle, at column 13, lines 46 through 60. At column 13, lines 46 through 60, Tuttle is describing DVPU 124. In the description of DVPU 124 at column 13, lines 46 through 60, there is no discussion or suggestion that DVPU 124 includes a switch function that allows an entity separate from a remote user to disconnect a network accessible site from a processing system. The only discussion of switches in Tuttle at column 13, lines 46 through 60, is the mention of switch settings (see column 13, line 50) that configure the operation of DVPU 124. This is unrelated to the subject matter of claim 22. Particularly, the switch settings disclosed by Tuttle at column 13, line 50 do not disclose or suggest a switch function that allows an entity separate from the remote user to disconnect the network accessible site from the processing system as set out by claim 22 of the present case.

Conclusion

Applicants believes that this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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